

Removal Recommendation Beach Closings Beneficial Use Impairment Kalamazoo River Area of Concern

Issue

Based upon documentation review by a technical committee and in consultation with agency staff, the Michigan Department of Natural Resources and Environment (DNRE), Areas of Concern (AOC) program requests concurrence with its recommendation to remove the Beach Closings Beneficial Use Impairment (BUI) in the Kalamazoo River AOC. This request is being made with the support of the Kalamazoo River Watershed Council (KRWC) (which serves as the local Public Advisory Council [PAC]) and in accordance with the process and criteria set forth in the *Guidance for Delisting Michigan's Great Lakes Areas of Concern* (Guidance) (MDEQ, 2008).

Background

The Kalamazoo River watershed is located in the southwest portion of Michigan's Lower Peninsula and drains about 2,020 square miles from ten counties including Allegan, Barry, Calhoun, Eaton, Hillsdale, Jackson, Kalamazoo, Kent, Ottawa, and Van Buren. The river flows in a westerly direction and discharges into Lake Michigan near the city of Saugatuck. The Kalamazoo River AOC includes the lower portion of the river from Morrow Dam in Kalamazoo County near Galesburg to the mouth of the river in Allegan County at Saugatuck, as well as three miles of Portage Creek, upstream from its confluence with the Kalamazoo River (MDEQ, 2006).

The Kalamazoo River was listed as an AOC primarily due to historic releases of polychlorinated biphenyls (PCBs), which originated from de-inking operations at local paper mills. The Kalamazoo River AOC has eight BUIs associated with it, as determined according to Annex 2 of the Great Lakes Water Quality Agreement, including: Restrictions on Dredging, Loss of Fish and Wildlife Habitat, Degradation of Fish and Wildlife Populations, Degradation of Aesthetics, Bird and Animal Deformities, Restrictions on Fish Consumption, Beach Closings, and Degradation of Benthos. This document only addresses the Beach Closings BUI.

Removal Criteria

The Guidance criteria require that no waterbodies within the AOC are included on the list of impaired waters due to contamination with pathogens in the most recent Water Quality and Pollution Control in Michigan Sections 303(d), 305(b), and 314 Integrated Report (Integrated Report). No waterbodies within the AOC boundaries were listed in either the 2008 or the 2010 Integrated Reports (MDEQ 2008b, MDNRE 2010). A second tier of guidelines from the Delisting Guidance related to combined sewer overflows (CSOs) does not apply in this AOC because CSOs have not been reported, and the DNRE is unaware of any CSOs occurring in the Kalamazoo River AOC.

The restoration criteria are based on Michigan's Water Quality Standards (WQS) for bacterial contamination. Rule 323.1062 of Michigan's WQS sets the maximum concentrations of *E. coli* that are acceptable for waters of the state to meet total- and partial-body contact recreation uses.

Remedial Actions

There have been no specific Remedial Actions in the Kalamazoo River AOC for pathogens.

Ongoing regulatory and non-regulatory pollution cleanup and prevention activities at the watershed scale have reduced stated PAC and public concern over occasional spills and toxic algal blooms once thought to require body contact restrictions (KRWC, 2010).

Analysis

Existing DNRE monitoring records indicate that the Beach Closings BUI criteria for water quality have been met. The Kalamazoo River AOC is not listed as impaired for pathogens in the 2008 or 2010 Integrated Reports. Although it is understood that occasional spills due to wastewater infrastructure failure are serious and need to be addressed, the criteria provide for BUI removal based on monitoring data. Meeting the above criteria does not negate regulatory requirements for spill prevention and maintenance of wastewater infrastructure.

Although not part of the DNRE Guidance criteria for removing the Beach Closings BUI, concern has been expressed with regard to recreational contact with PCB contaminated sediments and river water. In May 2002, the Michigan Department of Community Health (MDCH), under a cooperative agreement with the Agency for Toxic Substances and Disease Registry, published a Health Consultation that examined the human health risks involved with recreational contact with PCB contaminated sediments and incidental ingestion of water and sediments during recreational use of the Kalamazoo River (MDCH, 2002). The Health Consultation concludes that, "...no apparent public health hazard is posed by the contamination of the sediment." And, "(b)ased on the PCB concentrations reported in the sediment and water of the Kalamazoo River, and considering the frequency of exposure to the sediments and limited absorption of PCBs from soils, there is no need to restrict access to the Kalamazoo River or Portage Creek."

Further, it should be noted that technical committee members are unaware of any designated beach areas located within the Kalamazoo River AOC. Consequently, there is no record of beaches being closed due to either bacterial or PCB contamination.

Recommendations

Based upon review of the data and technical input from the DNRE and the U.S. Environmental Protection Agency (USEPA) project staff, DNRE program staff recommend removal of the Beach Closings BUI and request that the Director of the Office of the Great Lakes submit a letter requesting concurrence from the USEPA to remove this BUI in the Kalamazoo River AOC.

Public Comment

December 7, 2010 is the deadline for Public Comment regarding the proposed removal of the *Beach Closings* Beneficial Use Impairment from the Kalamazoo River Area of Concern. The Removal Recommendation document can be viewed at: www.michigan.gov/deq/0,1607,7-135-3313---,00.html. Submit written comments to John Riley, Michigan Department of Natural Resources and Environment, Office of the

Great Lakes, PO Box 30273, Lansing, Michigan, 48909-7773, or to rileyj2@michigan.gov by midnight on December 7, 2010. If requested in writing, a public hearing may be scheduled. All comments received by December 7, 2010 will be considered prior to final action. Additional details on this proposed action may be obtained from: John Riley, Office of the Great Lakes, 517-335-4122, rileyj2@michigan.gov.

References

KRWC. 2010. Kalamazoo River Area of Concern: Overview and Request for Removal of the "Beach Closings" Beneficial Use Impairment.

MDCH. 2002. Michigan Department of Community Health, for the Agency for Toxic Substances and Disease Registry. Health Consultation Response to Comments. Allied Paper/Portage Creek/Kalamazoo River. Kalamazoo, Kalamazoo County, Michigan. May 2, 2002.

MDEQ. 2006. Correspondence between Rich Powers, MDEQ, and Gary Gulezian, USEPA, regarding recognized updates to Michigan Great Lakes Areas of Concern Boundaries.

MDEQ. 2008. Guidance for Delisting Michigan's Great Lakes Areas of Concern. MI/DEQ/WB-06/001.

MDEQ. 2008b. Water Quality and Pollution Control in Michigan: 2008 Sections 303(d) and 305(b) Integrated Report.

MDNRE, 2010. Water Quality and Pollution Control in Michigan: 2008 Sections 303(d) and 305(b) Integrated Report.

Prepared by: John Riley, Environmental Quality Analyst
Office of the Great Lakes
Michigan Department of Natural Resources and Environment
October 25, 2010